

## REMARKS

Applicant filed a Notice of Appeal and a Pre-Appeal Brief Request for Review on January 31, 2008, to which Applicant received a Notice of Panel Decision mailed dated May 6, 2008. The Appeal Brief of Appellant (Applicant) is timely filed concurrently herewith under 37 C.F.R. 41.37.

In part, 37 C.F.R. 41.33 provides: “(b) Amendments filed on or after the date of filing a brief pursuant to § 41.37 may be admitted: (1) To cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding.” In the present amendment, Claims 12-22 and 40-56 are canceled, and no other amendment is made. The cancellation does not affect the scope of any other pending claim in the proceeding, because no change in dependency is required in other claims. Indeed, the amendment simplifies the appeal by focusing the issues and reducing the number of claims under consideration. Therefore, the amendment may be properly admitted.

For the reasons set forth above, Applicant respectfully requests entry of the within amendment.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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